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RETURN MURDER IN FIRST DEGREE

Jury Convicts Bert Delige of Taking Life of Mrs. John Baudis, at Scotia--Negro Must Hang for Fiendish Crime--His Counsel Ask New Trial.

The jury in the Bert Delige case this evening returned a verdict of murder in the first degree. Delige was in the Court room at the time and heard the pronouncement of his doom. His counsel filed a motion for a new trial. Should this be refused, Delige will then be called for sentence. Delige's counsel allowed the case to go to the jury without calling any witnesses. The purpose in this was to try and secure a verdict of murder in the second degree. It failed

It was 3:40 o'clock, on Thursday afternoon, when the drawing of the jury was completed. A short recess was then taken, during which time the lawyers on the two sides of the case engaged in a brief consultation. The jury was then sworn.

District Attorney Runkle proceeded with opening the case by addressing the jury. He recited the story of the crime, how Mrs. Baudis was cruelly murdered on the night of October 16 and her body found in a pool of blood in a field nearby her home. This done he outlined the evidence the Commonwealth proposed submitting to show that the crime was committed by Delige. The motive for the murder, District Attorney Runkle said, was an attempt by Delige to prevent detection after criminally assaulting Mrs. Baudis. That this was the motive was fully and exclusively related yesterday in the regular edition of "The Republican."

The court room was crowded when District Attorney Runkle arose to address the jury. The crowd surged down the side aisles, hundreds standing until adjournment for the day was ordered.

Delige seated between his handsome sister, Nora, and his brother, Aaron, with Sheriff Hurley and Deputy Sheriff Rees directly behind them, closely followed every word uttered by District Attorney Runkle. He winced several times as the District Attorney unfolded the story of the crime and the motive and asked the jury to render a verdict without fear or favor. During the examination of the several witnesses placed on the stand before adjournment for the day, Delige sat, with eyes on the floor, seldom looking up but taking in every word uttered.

The remarkable self-control of Delige was manifested on several occasions. He was dressed in the clothes which he wore several days ago when photographed for the excellent picture printed in our regular edition yesterday. When the story of the crime and its motive was told to the jury, Delige seemed to be gradually weakening, not so much from fear as from the terrific strain which he has been under and which became all the more intense as the day for the trial approached. When the District Attorney concluded his address Delige quickly recovered and appeared more at ease.

Again, he seemed to suffer a weakening spell, this time when Coroner Huff, of Milesburg, related on the witness stand how he had found the body of Mrs. Baudis and described the horrible gashes in her throat, five distinct and separate cuts which almost severed her head from the body. As Coroner Huff gave this gruesome testimony Delige's head slowly dropped, his eyes became bloodshot and he appeared as if about to collapse. A few minutes after Coroner Huff had left the stand, Delige pulled himself together, his face brightened, his eyes became clear and he gazed about the crowd inside the bar with apparent unconcern.

The adjournment for the day was taken at 5.30 o'clock. Sheriff Hurley and Deputy Sheriff Rees replaced the handcuffs on Delige's wrists, but there was a slight delay before the prisoner was returned to his cell in the jail. The crowd in the court room surged forward to gain a better look at Delige, who sat looking straight ahead and betrayed not the slightest concern. When somebody in the crowd expressed a desire for his autograph, Delige's sister handed the paper to him and with the handcuffs still about his wrists he quite cheerfully wrote his name. It was almost dark outside when Delige was returned to the jail for the night. The crowd lingered along the way until the form of the prisoner was seen to disappear within the jail door.

Edward Baudis, a son of the murdered woman, was the first witness called to the stand by the Commonwealth. He said that he last saw her alive on October 15, the day before the murder, that he had gone to Unionville on the morning of the 15th and was there when he first learned of the murder. When he reached Scotia, he said, it was to find his mother cold in death. There was no cross-examination.

Thomas Baudis, the eleven-years-old son of the murdered woman, was the next witness. When he walked to the stand everybody pressed forward to hear his testimony. Although young, he made a good witness, his answers to all questions being promptly and distinctly given. Thomas said that he was at State College on Sunday, the 16th, from 9 o'clock in the morning until 7 o'clock that evening. He returned home to find his grandfather and sister, but his mother was not present. Shortly after this Thomas testified he heard a scream and ran out of the house. When he had gone a short distance into the field adjoining the house he stumbled across the body of his mother, who then was dying, if not already dead, and lying in a ghastly pool of blood. When Thomas ran to the side of his mother he did not see anybody but, he testified, he heard somebody running toward the corn field, the running continuing for a minute or perhaps longer. Frightened by what he had found, Thomas ran back to the house and told his grandfather and sister of what had happened, also telling a neighbor, Mr. Bloom.

"When I got there my mother was lying flat on her back," said Thomas. "I didn't wait to see whether there was much blood or not."

Mary Baudis, fourteen years old, a daughter of the murdered woman, was the next witness. She last saw her mother alive at 3 o'clock on the afternoon of the 16th. Mary returned home about 6 o'clock that evening, but her mother was absent. Mary told how she had cooked supper and waited for her mother to return. She heard the scream from the field nearby and related how her brother had run out and then quickly returned with the announcement that their mother was dead.

"I did not know how she was killed until 2 o'clock that night" said the little orphan child summing up her testimony.

There was little or no cross-examination of the child and she stepped down from the stand.

John Selke, father of Mrs. Baudis, was the next witness. Mr. Selke speaks German, only, and an interpreter was necessary in order that his testimony might be taken. He told of hearing his daughter scream in the field on the night of the murder and going out to where her body was found. On cross-examination he said it was about 7.30 o'clock in the evening, and not totally dark when his daughter's body was found.

Reuben E. Cronemiller, one of the foreman at the Scotia mines, was next called to the witness stand. He was one of the chief witness at the preliminary hearing, at which Delige was held for Court. Mr. Cronemiller testified to hearing the little Baudis children crying, when they discovered their mother's dead body, and of going over to the Baudis house. When Mrs. Baudis' body was reached by him, he said, she was lying on her back, her bonnet was torn off and her glasses were pushed back into her hair. Her throat was terribly gashed. This was about 7.20 o'clock, according to Mr. Cronemiller's best belief. He said that he remained there until Dr. Coons arrived and then received instructions from Coroner Huff. Nearly everybody in Scotia, he added, visited the scene of the crime during the evening.

Wilson H. Ghaner was then called to the stand. He also resides at Scotia. He was at church at the time of the murder and heard the children crying. He immediately went to the scene of the crime. Mr. Ghaner telephoned to Coroner Huff and told of the murder. He also served as a member of the Coroner's jury. Mr. Ghaner corroborated Mr. Cronemiller's testimony on the most vital points.

Coroner Huff then took the stand. He told of his learning of the murder, of his giving directions that the body be cared for until he arrived at Scotia, and then described the gaping wounds, five in number, which he found in the neck of the murdered woman. Coroner Huff also explained that he had examined the body.

"Did you make any other physicial examination?" was asked by the District Attorney.

"I did not make a microscopical examination", replied Coroner Huff.

Dr. Coons testified that he, too, had examined Mrs. Baudis' body, but that he had not made a microsopical examination.

J. B. Heberling, the well known State College undertaker, told of being called to Scotia, of his arrival there and his work in preparing the body of Mrs. Baudis for burial. He said that he found a bruise about the size of a silver dollar on the left leg, near the knee, and another bruise on the third and small finger on the right hand. There were no other marks on the body.

At this juncture adjournment until 9 o'clock Friday was ordered. The jury was taken to a hotel, in charge of a court officer, for the night.

When Court convened at 9 o'clock on Friday morning, J. Henry Wetzel, surveyer, was called to the stand. He surveyed the section at Scotia embracing the principal points in the Baudis crime. He presented a map showing the spot where Mrs. Baudis' body was found, the mud dam and a line showing the route traveled by Delige in running away from the scene of the murder. This map shows that it was 334 feet from the Baudis house to where Mrs. Baudis was murdered.

Rilla Ghaner, daughter of Wilson Ghaner, was the next witness. She testified that on the night of the murder she saw Bert Delige and Aaron walking back of Mrs. Baudis. Her testimony was not shaken by cross-examination.

Aaron Delige, cousin of Bert, was then called. He said he had known Mrs. Baudis for a number of years. On Sunday, Oct. 16, Aaron said, he was at Pine Top, near Waddle, and left there about 5 o'clock with Bert, the prisoner, traveling the wagon road near Waddle to Scotia. Later they passed Mrs. Baudis, who spoke to them. She was alone at the time. After she passed they started down the path leading from the public road, near the coal house at Scotia. Aaron said that he then went home and never again saw Mrs. Baudis alive. Aaron said that he at once went home, took off his shoes and went to sleep, not getting awake until 10 o'clock. Aaron said that he next saw Bert was about 10 o'clock, when he went to bed. Aaron and Bert slept together that night, but Aaron said the first he learned of the murder was the morning after the crime. On cross-examination Aaron told of going to Pine Top, and having 2 kegs of beer, 2 quarts of whiskey and cider there. As to how much cider they had, Aaron said: "We had a barrel." Bert Delige was at Pine Top at this time and participated in the general spree. George Mayhew, Harry Delige, Aaron Delige, Tom Miller, Isaac Lykens, Grant Jones and Bob Dixon were also there.

Aaron said that when Sunday morning came all he had left was a pint of whiskey, which he drank that morning before breakfast.

Thomas Daywalt, a son of Daniel Daywalt, of Scotia, was next called. He makes his home with, Miss Anna Gray and goes to school at Scotia. He was at church on the night of the murder, while on his way to church passing Mrs. Baudis near John Haugh's store. She was walking toward the store. The last he saw her was when she was at the forks of the road. This was just before the 7 o'clock church bell. He also saw Mr. Williams and Miss Laufer.

Harry Murtorff was the next witness. He has lived in Bellefonte for the last four years and a half. Before that he lived at Scotia and has known Bert Delige for about 18 years. Harry was at Scotia on Oct. 16, being accompanied by his wife and also Mr. and Mrs. Orrie Kline. He swore that on that evening he saw Bert Delige near Jacob Ghaner's shoemaker shop and that he was dressed in a dark suit and wore a stiff hat. At that time, he said, Delige was walking on the railroad and going at a pretty fast gait. Harry drove past the colored man but they did not speak. This was about 7 o clock in the evening.

Cross-examination failed to shake Harry's positive identification of Delige as the man passed on the railroad.

Mrs. Harry Murtorff was called to the stand. She corroborated the testimony of her husband.

Max Cronemiller, the bright 12-years-old son of Reuben Cronemiller, was then placed on the stand. His testimony was given in a clear, straightforward manner and in fact made a more favorable impression than many of the older witnesses. "While I was near Ghaner's shop I saw a man walking toward Baudis' house. He was black, wore dark clothes and a black hat" Max said he could not say who the man was. He described him, however, as follows: "He was a black man, short and pretty heavy." "Does the description you have given correspond with Bert Delige, should Delige be dressed as he was on the night you saw him?"

Objected to and sustained.

"At what time of day was it you saw this man?" asked the court.

"It was 7 or after 7," replied Max. There was no cross-examination.

Orrie Kline, placed on the stand, corroborated the testimony given by Mr. and Mrs. Harry Murtorff as to passing Delige at Scotia. No cross-examination.

Carl Cronemiller, the 10-years-old son of Reuben Cronemiller, was called. Because of the tender years of the fine looking little fellow, it was a matter of discussion as to admitting his testimony without his being sworn. On being questioned by the Court, Carl's answers were so bright and intelligent that Judge Orvis directed that he be sworn. The defense objected but the court overruled. Carl took the stand, first being sworn. He was at church on the night of the murder, with his brother Max and several other boys. He said that walking rapidly along the path leading to Baudis' house he saw a man and that the man was black. Could not say who the man was. On cross-examination Carl said he had known Bert Delige for 4 years.

King Lytle, the 14 years-old son of Mr. and Mrs. J. Wallace Lytle, of Scotia, was then called and sworn. King at once demonstrated that he is a bright, intelligent boy, answering all questions promptly and satisfactorily. He was with Max and Carl Cronemiller on the night of the murder and told of seeing a man pass down the path toward the Baudis house.

James Hillard, of Scotia, was the next witness. Mr. Hillard is employed at Scotia and is one of the most efficient men there. He told of aiding on the morning following the crime in trying to find some clew of the identity of the murderer. He told of finding footprints in the corn field and blood spots on the top rail of the fence next to the woods. He also told of finding footprints at the edge of the mud dam, near the scrub willow. Mr. Hillard testified to helping make the survey at Scotia and also to aiding District Attorney Runkle follow the trail of the murderer. He told of following and examining the footprints, how they were made by a man running. The footprints measured 11½ inches, strong, the heel being 2½ inches. Mr. Hillard saw Delige's shoes taken from his feet and measured. He said he was not close enough to tell whether the shoes fitted exactly when placed in the footprints.

Cross-examination failed to weaken Mr. Hillard's story in any respect.

William Harris, of Scotia, was the next witness. He saw Delige's shoes taken from his feet and fitted into the foot-prints. He said they fitted exactly. Reuben E. Cronemiller was recalled to the stand and testified as to guarding Delige's foot-prints until they had been thoroughly examined, measured, etc.

Judson A. Williams, of Scotia, the next witness, also testified to finding and trailing Delige's tracks leading from the scene of the murder to the Delige home and to finding blood spots on the fence near the woods. Cross-examination failed to break down his testimony. Chester Hassinger, of Scotia, also testified to the existance of the tell-tale footprints.

Chief of Police Dukeman, of Bellefonte, testified to the arrest of Delige and identified the clothing worn by Delige on the night of the murder and taken from him for chemical examination of blood spots by Dr. Pond, of State College. Delige's shoes also were identified by the witness, who told of taking Delige to the mud dam and that his shoes fitted perfectly into the footprints there. Sheriff Hurley and Deputy Sheriff Rees also testified to the arrest of Delige and the securing the clothing and shoes.

W. E. Hartsock, of Scotia, was next sworn. He said that he had examined Delige's footprints, that they showed certain nails in one heel to be out of line and that this peculiarity was also found in the nail in one of Delige's shoes. Harry Goss also told of placing Delige's shoes in the footprints.

J. Wallace Lytle, machinist at the Scotia washery, was the next witness. He measured a number of Delige's footprints, saying they measured 11 9-16 inches. Mr. Lytle's testimony was very interesting.

Walter Delige, Bert's brother, then took the stand. He is the person who found the razor used by Bert in killing Mrs. Baudis. He found it hidden under some leaves beneath a stump nearby the Delige home.

"How did you come to look for the razor there?" Walter was asked.

"Bert told me it was there," he replied.

"Whose razor is it?"

"Bert told me it was his" was Walter's reply as he handled the razor and examined it. Walter said he got the information as to the whereabouts of the razor from Bert while the latter was in jail.

District Attorney Runkle told of turning over to Dr. Pond, of State College, Delige's razor, clothing and shoes.

Dr. Pond then went on the stand. Counsel for Delige offered objections to admitting the razor, clothing and shoes as evidence but was promptly over-ruled by the Court. Dr. Pond told of his examination and of finding human blood on Delige's coat and trousers. Dr. Pond said he found human blood and human hair on Delige's razor. On cross-examination Dr. Pond's testimony was not changed. While Dr. Pond was on the stand a spectator made himself objectionable and was ejected from the Court room.

John McKivison, of Scotia, was the next witness. He testified that Delige stopped at his place for 10 or 15 minutes about 8 o'clock on the night of the murder, which would be some time after the murder was committed. George Mayhew, colored, of Scotia, was at the McKivison house when Delige arrived there. The two left the McKivison house together and while walking through the field, going home, Mayhew testified Delige said: "I've lost my razor somewhere." No cross-examination.

F. H. Mitchell, of Pittsburg, the detective for the Commonwealth. He said he was employed by the Pinkerton National Detective Agency. First saw Delige in jail on Monday, November 21, talking with him alone.

Counsel for Delige insisted on cross-examing the witness at once and elicited that he had not cautioned Delige that any statements made would be used against him at the trial. Mr. Zerby, for Delige, then made the point that because of this the detective was not a competent witness. The Court asked for authorities and Mr. Zerby specified several. Mr. Spangler claimed that the detective's testimony was perfectly admissible. Judge Orvis said that he would not rule on the point without further examination of authorities. Court was accordingly adjourned at 5 o'clock to 9 o'clock Saturday morning.

When court convened on Saturday morning Detective Mitchell was permitted to tell of his talk with Delige up to the point of the actual confession. Mitchell said he made no threats and made no promise of immunity. Judge Orvis then admitted the Delige confession, leaving it to the jury to determine whether it was or was not made voluntarily. Mitchell then related Delige's confession, of Nov. 21st, which has already been published in detail in "The Republican." Mitchell then told of leading up to Delige's confession of the motive on Nov. 22nd. Rev. P. E. Paul, who baptized Delige, was next called. He also was present at the confession of motive. The defense objected to admitting the confession of motive. The court ordered the confession of motive admitted, the jury to determine whether or not it was made voluntarily. Detective Mitchell recalled to the stand to relate the confession of motive, which was that Delige first ravished Mrs. Baudis and fearing the consequences because she had recognized him, followed her and cut her throat. All of this confession which is fit to print was published in "The Republican" on Thursday, last. The crowd in the court room was visibly disappointed when it was announced that the confession of motive would be entered on the records for the jury and would not be read publicly. Delige's confession of the murder was read to the jury and contained nothing not already published in "The Republican." Mitchell identified Delige's razor and the prisoner's clothing, shoes and razor were then formally offered in evidence. The prosecution, closed at 11 o'clock. Counsel for Delige announced that they would rest their side of the case without calling any witnesses but asked the court to instruct the jury on points of law relative to what constitutes second degree murder. The court granted to the defense the right to make closing argument to the jury. The arguments and charge to the jury consumed the entire afternoon.